

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. If and only if Senate Bill 627 of the 99th
5 General Assembly becomes law as passed by both houses, the
6 Illinois Vehicle Code is amended by changing Sections 6-205 and
7 6-206 as follows:

8 (625 ILCS 5/6-205)

9 Sec. 6-205. Mandatory revocation of license or permit;
10 Hardship cases.

11 (a) Except as provided in this Section, the Secretary of
12 State shall immediately revoke the license, permit, or driving
13 privileges of any driver upon receiving a report of the
14 driver's conviction of any of the following offenses:

15 1. Reckless homicide resulting from the operation of a
16 motor vehicle;

17 2. Violation of Section 11-501 of this Code or a
18 similar provision of a local ordinance relating to the
19 offense of operating or being in physical control of a
20 vehicle while under the influence of alcohol, other drug or
21 drugs, intoxicating compound or compounds, or any
22 combination thereof;

23 3. Any felony under the laws of any State or the

1 federal government in the commission of which a motor
2 vehicle was used;

3 4. Violation of Section 11-401 of this Code relating to
4 the offense of leaving the scene of a traffic accident
5 involving death or personal injury;

6 5. Perjury or the making of a false affidavit or
7 statement under oath to the Secretary of State under this
8 Code or under any other law relating to the ownership or
9 operation of motor vehicles;

10 6. Conviction upon 3 charges of violation of Section
11 11-503 of this Code relating to the offense of reckless
12 driving committed within a period of 12 months;

13 7. Conviction of any offense defined in Section 4-102
14 of this Code;

15 8. Violation of Section 11-504 of this Code relating to
16 the offense of drag racing;

17 9. Violation of Chapters 8 and 9 of this Code;

18 10. Violation of Section 12-5 of the Criminal Code of
19 1961 or the Criminal Code of 2012 arising from the use of a
20 motor vehicle;

21 11. Violation of Section 11-204.1 of this Code relating
22 to aggravated fleeing or attempting to elude a peace
23 officer;

24 12. Violation of paragraph (1) of subsection (b) of
25 Section 6-507, or a similar law of any other state,
26 relating to the unlawful operation of a commercial motor

1 vehicle;

2 13. Violation of paragraph (a) of Section 11-502 of
3 this Code or a similar provision of a local ordinance if
4 the driver has been previously convicted of a violation of
5 that Section or a similar provision of a local ordinance
6 and the driver was less than 21 years of age at the time of
7 the offense;

8 14. Violation of paragraph (a) of Section 11-506 of
9 this Code or a similar provision of a local ordinance
10 relating to the offense of street racing;

11 15. A second or subsequent conviction of driving while
12 the person's driver's license, permit or privileges was
13 revoked for reckless homicide or a similar out-of-state
14 offense;

15 16. Any offense against any provision in this Code, or
16 any local ordinance, regulating the movement of traffic
17 when that offense was the proximate cause of the death of
18 any person. Any person whose driving privileges have been
19 revoked pursuant to this paragraph may seek to have the
20 revocation terminated or to have the length of revocation
21 reduced by requesting an administrative hearing with the
22 Secretary of State prior to the projected driver's license
23 application eligibility date;

24 17. Violation of subsection (a-2) of Section 11-1301.3
25 of this Code or a similar provision of a local ordinance;

26 18. A second or subsequent conviction of illegal

1 possession, while operating or in actual physical control,
2 as a driver, of a motor vehicle, of any controlled
3 substance prohibited under the Illinois Controlled
4 Substances Act, any cannabis prohibited under the Cannabis
5 Control Act, or any methamphetamine prohibited under the
6 Methamphetamine Control and Community Protection Act. A
7 defendant found guilty of this offense while operating a
8 motor vehicle shall have an entry made in the court record
9 by the presiding judge that this offense did occur while
10 the defendant was operating a motor vehicle and order the
11 clerk of the court to report the violation to the Secretary
12 of State.

13 (b) The Secretary of State shall also immediately revoke
14 the license or permit of any driver in the following
15 situations:

16 1. Of any minor upon receiving the notice provided for
17 in Section 5-901 of the Juvenile Court Act of 1987 that the
18 minor has been adjudicated under that Act as having
19 committed an offense relating to motor vehicles prescribed
20 in Section 4-103 of this Code;

21 2. Of any person when any other law of this State
22 requires either the revocation or suspension of a license
23 or permit;

24 3. Of any person adjudicated under the Juvenile Court
25 Act of 1987 based on an offense determined to have been
26 committed in furtherance of the criminal activities of an

1 organized gang as provided in Section 5-710 of that Act,
2 and that involved the operation or use of a motor vehicle
3 or the use of a driver's license or permit. The revocation
4 shall remain in effect for the period determined by the
5 court. Upon the direction of the court, the Secretary shall
6 issue the person a judicial driving permit, also known as a
7 JDP. The JDP shall be subject to the same terms as a JDP
8 issued under Section 6-206.1, except that the court may
9 direct that a JDP issued under this subdivision (b) (3) be
10 effective immediately.

11 (c) (1) Whenever a person is convicted of any of the
12 offenses enumerated in this Section, the court may recommend
13 and the Secretary of State in his discretion, without regard to
14 whether the recommendation is made by the court may, upon
15 application, issue to the person a restricted driving permit
16 granting the privilege of driving a motor vehicle between the
17 petitioner's residence and petitioner's place of employment or
18 within the scope of the petitioner's employment related duties,
19 or to allow the petitioner to transport himself or herself or a
20 family member of the petitioner's household to a medical
21 facility for the receipt of necessary medical care or to allow
22 the petitioner to transport himself or herself to and from
23 alcohol or drug remedial or rehabilitative activity
24 recommended by a licensed service provider, or to allow the
25 petitioner to transport himself or herself or a family member
26 of the petitioner's household to classes, as a student, at an

1 accredited educational institution, or to allow the petitioner
2 to transport children, elderly persons, or disabled persons who
3 do not hold driving privileges and are living in the
4 petitioner's household to and from daycare; if the petitioner
5 is able to demonstrate that no alternative means of
6 transportation is reasonably available and that the petitioner
7 will not endanger the public safety or welfare; provided that
8 the Secretary's discretion shall be limited to cases where
9 undue hardship, as defined by the rules of the Secretary of
10 State, would result from a failure to issue the restricted
11 driving permit. Those multiple offenders identified in
12 subdivision (b)4 of Section 6-208 of this Code, however, shall
13 not be eligible for the issuance of a restricted driving
14 permit.

15 (2) If a person's license or permit is revoked or
16 suspended due to 2 or more convictions of violating Section
17 11-501 of this Code or a similar provision of a local
18 ordinance or a similar out-of-state offense, or Section 9-3
19 of the Criminal Code of 1961 or the Criminal Code of 2012,
20 where the use of alcohol or other drugs is recited as an
21 element of the offense, or a similar out-of-state offense,
22 or a combination of these offenses, arising out of separate
23 occurrences, that person, if issued a restricted driving
24 permit, may not operate a vehicle unless it has been
25 equipped with an ignition interlock device as defined in
26 Section 1-129.1.

1 (3) If:

2 (A) a person's license or permit is revoked or
3 suspended 2 or more times due to any combination of:

4 (i) a single conviction of violating Section
5 11-501 of this Code or a similar provision of a
6 local ordinance or a similar out-of-state offense,
7 or Section 9-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, where the use of alcohol or
9 other drugs is recited as an element of the
10 offense, or a similar out-of-state offense; or

11 (ii) a statutory summary suspension or
12 revocation under Section 11-501.1; or

13 (iii) a suspension pursuant to Section
14 6-203.1;

15 arising out of separate occurrences; or

16 (B) a person has been convicted of one violation of
17 subparagraph (C) or (F) of paragraph (1) of subsection
18 (d) of Section 11-501 of this Code, Section 9-3 of the
19 Criminal Code of 1961 or the Criminal Code of 2012,
20 relating to the offense of reckless homicide where the
21 use of alcohol or other drugs was recited as an element
22 of the offense, or a similar provision of a law of
23 another state;

24 that person, if issued a restricted driving permit, may not
25 operate a vehicle unless it has been equipped with an
26 ignition interlock device as defined in Section 1-129.1.

1 (4) The person issued a permit conditioned on the use
2 of an ignition interlock device must pay to the Secretary
3 of State DUI Administration Fund an amount not to exceed
4 \$30 per month. The Secretary shall establish by rule the
5 amount and the procedures, terms, and conditions relating
6 to these fees.

7 (5) If the restricted driving permit is issued for
8 employment purposes, then the prohibition against
9 operating a motor vehicle that is not equipped with an
10 ignition interlock device does not apply to the operation
11 of an occupational vehicle owned or leased by that person's
12 employer when used solely for employment purposes. For any
13 person who, within a 5-year period, is convicted of a
14 second or subsequent offense under Section 11-501 of this
15 Code, or a similar provision of a local ordinance or
16 similar out-of-state offense, this employment exemption
17 does not apply until a one year period has elapsed during
18 which that person either had his or her driving privileges
19 revoked or had a restricted driving permit which required
20 the use of an ignition interlock device on every motor
21 vehicle owned or operated by that person.

22 (6) In each case the Secretary of State may issue a
23 restricted driving permit for a period he deems
24 appropriate, except that the permit shall expire within one
25 year from the date of issuance. A restricted driving permit
26 issued under this Section shall be subject to cancellation,

1 revocation, and suspension by the Secretary of State in
2 like manner and for like cause as a driver's license issued
3 under this Code may be cancelled, revoked, or suspended;
4 except that a conviction upon one or more offenses against
5 laws or ordinances regulating the movement of traffic shall
6 be deemed sufficient cause for the revocation, suspension,
7 or cancellation of a restricted driving permit. The
8 Secretary of State may, as a condition to the issuance of a
9 restricted driving permit, require the petitioner to
10 participate in a designated driver remedial or
11 rehabilitative program. The Secretary of State is
12 authorized to cancel a restricted driving permit if the
13 permit holder does not successfully complete the program.
14 However, if an individual's driving privileges have been
15 revoked in accordance with paragraph 13 of subsection (a)
16 of this Section, no restricted driving permit shall be
17 issued until the individual has served 6 months of the
18 revocation period.

19 (c-5) (Blank).

20 (c-6) If a person is convicted of a second violation of
21 operating a motor vehicle while the person's driver's license,
22 permit or privilege was revoked, where the revocation was for a
23 violation of Section 9-3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 relating to the offense of reckless
25 homicide or a similar out-of-state offense, the person's
26 driving privileges shall be revoked pursuant to subdivision

1 (a) (15) of this Section. The person may not make application
2 for a license or permit until the expiration of five years from
3 the effective date of the revocation or the expiration of five
4 years from the date of release from a term of imprisonment,
5 whichever is later.

6 (c-7) If a person is convicted of a third or subsequent
7 violation of operating a motor vehicle while the person's
8 driver's license, permit or privilege was revoked, where the
9 revocation was for a violation of Section 9-3 of the Criminal
10 Code of 1961 or the Criminal Code of 2012 relating to the
11 offense of reckless homicide or a similar out-of-state offense,
12 the person may never apply for a license or permit.

13 (d) (1) Whenever a person under the age of 21 is convicted
14 under Section 11-501 of this Code or a similar provision of a
15 local ordinance or a similar out-of-state offense, the
16 Secretary of State shall revoke the driving privileges of that
17 person. One year after the date of revocation, and upon
18 application, the Secretary of State may, if satisfied that the
19 person applying will not endanger the public safety or welfare,
20 issue a restricted driving permit granting the privilege of
21 driving a motor vehicle only between the hours of 5 a.m. and 9
22 p.m. or as otherwise provided by this Section for a period of
23 one year. After this one year period, and upon reapplication
24 for a license as provided in Section 6-106, upon payment of the
25 appropriate reinstatement fee provided under paragraph (b) of
26 Section 6-118, the Secretary of State, in his discretion, may

1 reinstate the petitioner's driver's license and driving
2 privileges, or extend the restricted driving permit as many
3 times as the Secretary of State deems appropriate, by
4 additional periods of not more than 12 months each.

5 (2) If a person's license or permit is revoked or
6 suspended due to 2 or more convictions of violating Section
7 11-501 of this Code or a similar provision of a local
8 ordinance or a similar out-of-state offense, or Section 9-3
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 where the use of alcohol or other drugs is recited as an
11 element of the offense, or a similar out-of-state offense,
12 or a combination of these offenses, arising out of separate
13 occurrences, that person, if issued a restricted driving
14 permit, may not operate a vehicle unless it has been
15 equipped with an ignition interlock device as defined in
16 Section 1-129.1.

17 (3) If a person's license or permit is revoked or
18 suspended 2 or more times due to any combination of:

19 (A) a single conviction of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance or a similar out-of-state offense, or
22 Section 9-3 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, where the use of alcohol or
24 other drugs is recited as an element of the offense, or
25 a similar out-of-state offense; or

26 (B) a statutory summary suspension or revocation

1 under Section 11-501.1; or

2 (C) a suspension pursuant to Section 6-203.1;
3 arising out of separate occurrences, that person, if issued
4 a restricted driving permit, may not operate a vehicle
5 unless it has been equipped with an ignition interlock
6 device as defined in Section 1-129.1.

7 (3.5) If a person's license or permit is revoked or
8 suspended due to a conviction for a violation of
9 subparagraph (C) or (F) of paragraph (1) of subsection (d)
10 of Section 11-501 of this Code, or a similar provision of a
11 local ordinance or similar out-of-state offense, that
12 person, if issued a restricted driving permit, may not
13 operate a vehicle unless it has been equipped with an
14 ignition interlock device as defined in Section 1-129.1.

15 (4) The person issued a permit conditioned upon the use
16 of an interlock device must pay to the Secretary of State
17 DUI Administration Fund an amount not to exceed \$30 per
18 month. The Secretary shall establish by rule the amount and
19 the procedures, terms, and conditions relating to these
20 fees.

21 (5) If the restricted driving permit is issued for
22 employment purposes, then the prohibition against driving
23 a vehicle that is not equipped with an ignition interlock
24 device does not apply to the operation of an occupational
25 vehicle owned or leased by that person's employer when used
26 solely for employment purposes. For any person who, within

1 a 5-year period, is convicted of a second or subsequent
2 offense under Section 11-501 of this Code, or a similar
3 provision of a local ordinance or similar out-of-state
4 offense, this employment exemption does not apply until a
5 one year period has elapsed during which that person either
6 had his or her driving privileges revoked or had a
7 restricted driving permit which required the use of an
8 ignition interlock device on every motor vehicle owned or
9 operated by that person.

10 (6) A restricted driving permit issued under this
11 Section shall be subject to cancellation, revocation, and
12 suspension by the Secretary of State in like manner and for
13 like cause as a driver's license issued under this Code may
14 be cancelled, revoked, or suspended; except that a
15 conviction upon one or more offenses against laws or
16 ordinances regulating the movement of traffic shall be
17 deemed sufficient cause for the revocation, suspension, or
18 cancellation of a restricted driving permit.

19 (d-5) The revocation of the license, permit, or driving
20 privileges of a person convicted of a third or subsequent
21 violation of Section 6-303 of this Code committed while his or
22 her driver's license, permit, or privilege was revoked because
23 of a violation of Section 9-3 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, relating to the offense of reckless
25 homicide, or a similar provision of a law of another state, is
26 permanent. The Secretary may not, at any time, issue a license

1 or permit to that person.

2 (e) This Section is subject to the provisions of the Driver
3 License Compact.

4 (f) Any revocation imposed upon any person under
5 subsections 2 and 3 of paragraph (b) that is in effect on
6 December 31, 1988 shall be converted to a suspension for a like
7 period of time.

8 (g) The Secretary of State shall not issue a restricted
9 driving permit to a person under the age of 16 years whose
10 driving privileges have been revoked under any provisions of
11 this Code.

12 (h) The Secretary of State shall require the use of
13 ignition interlock devices on all vehicles owned by a person
14 who has been convicted of a second or subsequent offense under
15 Section 11-501 of this Code or a similar provision of a local
16 ordinance. The person must pay to the Secretary of State DUI
17 Administration Fund an amount not to exceed \$30 for each month
18 that he or she uses the device. The Secretary shall establish
19 by rule and regulation the procedures for certification and use
20 of the interlock system, the amount of the fee, and the
21 procedures, terms, and conditions relating to these fees.

22 (i) (Blank).

23 (j) In accordance with 49 C.F.R. 384, the Secretary of
24 State may not issue a restricted driving permit for the
25 operation of a commercial motor vehicle to a person holding a
26 CDL whose driving privileges have been revoked, suspended,

1 cancelled, or disqualified under any provisions of this Code.

2 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
3 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
4 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
5 1-1-13; 97-1150, eff. 1-25-13; 09900SB0627enr.)

6 (625 ILCS 5/6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit; Right to a hearing.

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

16 2. Has been convicted of not less than 3 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 12 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of
25 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the
2 traffic laws and the safety of other persons upon the
3 highway;

4 4. Has by the unlawful operation of a motor vehicle
5 caused or contributed to an accident resulting in injury
6 requiring immediate professional treatment in a medical
7 facility or doctor's office to any person, except that any
8 suspension or revocation imposed by the Secretary of State
9 under the provisions of this subsection shall start no
10 later than 6 months after being convicted of violating a
11 law or ordinance regulating the movement of traffic, which
12 violation is related to the accident, or shall start not
13 more than one year after the date of the accident,
14 whichever date occurs later;

15 5. Has permitted an unlawful or fraudulent use of a
16 driver's license, identification card, or permit;

17 6. Has been lawfully convicted of an offense or
18 offenses in another state, including the authorization
19 contained in Section 6-203.1, which if committed within
20 this State would be grounds for suspension or revocation;

21 7. Has refused or failed to submit to an examination
22 provided for by Section 6-207 or has failed to pass the
23 examination;

24 8. Is ineligible for a driver's license or permit under
25 the provisions of Section 6-103;

26 9. Has made a false statement or knowingly concealed a

1 material fact or has used false information or
2 identification in any application for a license,
3 identification card, or permit;

4 10. Has possessed, displayed, or attempted to
5 fraudulently use any license, identification card, or
6 permit not issued to the person;

7 11. Has operated a motor vehicle upon a highway of this
8 State when the person's driving privilege or privilege to
9 obtain a driver's license or permit was revoked or
10 suspended unless the operation was authorized by a
11 monitoring device driving permit, judicial driving permit
12 issued prior to January 1, 2009, probationary license to
13 drive, or a restricted driving permit issued under this
14 Code;

15 12. Has submitted to any portion of the application
16 process for another person or has obtained the services of
17 another person to submit to any portion of the application
18 process for the purpose of obtaining a license,
19 identification card, or permit for some other person;

20 13. Has operated a motor vehicle upon a highway of this
21 State when the person's driver's license or permit was
22 invalid under the provisions of Sections 6-107.1 and 6-110;

23 14. Has committed a violation of Section 6-301,
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 relating
2 to criminal trespass to vehicles in which case, the
3 suspension shall be for one year;

4 16. Has been convicted of violating Section 11-204 of
5 this Code relating to fleeing from a peace officer;

6 17. Has refused to submit to a test, or tests, as
7 required under Section 11-501.1 of this Code and the person
8 has not sought a hearing as provided for in Section
9 11-501.1;

10 18. Has, since issuance of a driver's license or
11 permit, been adjudged to be afflicted with or suffering
12 from any mental disability or disease;

13 19. Has committed a violation of paragraph (a) or (b)
14 of Section 6-101 relating to driving without a driver's
15 license;

16 20. Has been convicted of violating Section 6-104
17 relating to classification of driver's license;

18 21. Has been convicted of violating Section 11-402 of
19 this Code relating to leaving the scene of an accident
20 resulting in damage to a vehicle in excess of \$1,000, in
21 which case the suspension shall be for one year;

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
24 the Criminal Code of 1961 or the Criminal Code of 2012
25 relating to unlawful use of weapons, in which case the
26 suspension shall be for one year;

1 23. Has, as a driver, been convicted of committing a
2 violation of paragraph (a) of Section 11-502 of this Code
3 for a second or subsequent time within one year of a
4 similar violation;

5 24. Has been convicted by a court-martial or punished
6 by non-judicial punishment by military authorities of the
7 United States at a military installation in Illinois or in
8 another state of or for a traffic related offense that is
9 the same as or similar to an offense specified under
10 Section 6-205 or 6-206 of this Code;

11 25. Has permitted any form of identification to be used
12 by another in the application process in order to obtain or
13 attempt to obtain a license, identification card, or
14 permit;

15 26. Has altered or attempted to alter a license or has
16 possessed an altered license, identification card, or
17 permit;

18 27. Has violated Section 6-16 of the Liquor Control Act
19 of 1934;

20 28. Has been convicted for a first time of the illegal
21 possession, while operating or in actual physical control,
22 as a driver, of a motor vehicle, of any controlled
23 substance prohibited under the Illinois Controlled
24 Substances Act, any cannabis prohibited under the Cannabis
25 Control Act, or any methamphetamine prohibited under the
26 Methamphetamine Control and Community Protection Act, in

1 which case the person's driving privileges shall be
2 suspended for one year. Any defendant found guilty of this
3 offense while operating a motor vehicle, shall have an
4 entry made in the court record by the presiding judge that
5 this offense did occur while the defendant was operating a
6 motor vehicle and order the clerk of the court to report
7 the violation to the Secretary of State;

8 29. Has been convicted of the following offenses that
9 were committed while the person was operating or in actual
10 physical control, as a driver, of a motor vehicle: criminal
11 sexual assault, predatory criminal sexual assault of a
12 child, aggravated criminal sexual assault, criminal sexual
13 abuse, aggravated criminal sexual abuse, juvenile pimping,
14 soliciting for a juvenile prostitute, promoting juvenile
15 prostitution as described in subdivision (a)(1), (a)(2),
16 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
17 or the Criminal Code of 2012, and the manufacture, sale or
18 delivery of controlled substances or instruments used for
19 illegal drug use or abuse in which case the driver's
20 driving privileges shall be suspended for one year;

21 30. Has been convicted a second or subsequent time for
22 any combination of the offenses named in paragraph 29 of
23 this subsection, in which case the person's driving
24 privileges shall be suspended for 5 years;

25 31. Has refused to submit to a test as required by
26 Section 11-501.6 of this Code or Section 5-16c of the Boat

1 Registration and Safety Act or has submitted to a test
2 resulting in an alcohol concentration of 0.08 or more or
3 any amount of a drug, substance, or compound resulting from
4 the unlawful use or consumption of cannabis as listed in
5 the Cannabis Control Act, a controlled substance as listed
6 in the Illinois Controlled Substances Act, an intoxicating
7 compound as listed in the Use of Intoxicating Compounds
8 Act, or methamphetamine as listed in the Methamphetamine
9 Control and Community Protection Act, in which case the
10 penalty shall be as prescribed in Section 6-208.1;

11 32. Has been convicted of Section 24-1.2 of the
12 Criminal Code of 1961 or the Criminal Code of 2012 relating
13 to the aggravated discharge of a firearm if the offender
14 was located in a motor vehicle at the time the firearm was
15 discharged, in which case the suspension shall be for 3
16 years;

17 33. Has as a driver, who was less than 21 years of age
18 on the date of the offense, been convicted a first time of
19 a violation of paragraph (a) of Section 11-502 of this Code
20 or a similar provision of a local ordinance;

21 34. Has committed a violation of Section 11-1301.5 of
22 this Code or a similar provision of a local ordinance;

23 35. Has committed a violation of Section 11-1301.6 of
24 this Code or a similar provision of a local ordinance;

25 36. Is under the age of 21 years at the time of arrest
26 and has been convicted of not less than 2 offenses against

1 traffic regulations governing the movement of vehicles
2 committed within any 24 month period. No revocation or
3 suspension shall be entered more than 6 months after the
4 date of last conviction;

5 37. Has committed a violation of subsection (c) of
6 Section 11-907 of this Code that resulted in damage to the
7 property of another or the death or injury of another;

8 38. Has been convicted of a violation of Section 6-20
9 of the Liquor Control Act of 1934 or a similar provision of
10 a local ordinance;

11 39. Has committed a second or subsequent violation of
12 Section 11-1201 of this Code;

13 40. Has committed a violation of subsection (a-1) of
14 Section 11-908 of this Code;

15 41. Has committed a second or subsequent violation of
16 Section 11-605.1 of this Code, a similar provision of a
17 local ordinance, or a similar violation in any other state
18 within 2 years of the date of the previous violation, in
19 which case the suspension shall be for 90 days;

20 42. Has committed a violation of subsection (a-1) of
21 Section 11-1301.3 of this Code or a similar provision of a
22 local ordinance;

23 43. Has received a disposition of court supervision for
24 a violation of subsection (a), (d), or (e) of Section 6-20
25 of the Liquor Control Act of 1934 or a similar provision of
26 a local ordinance, in which case the suspension shall be

1 for a period of 3 months;

2 44. Is under the age of 21 years at the time of arrest
3 and has been convicted of an offense against traffic
4 regulations governing the movement of vehicles after
5 having previously had his or her driving privileges
6 suspended or revoked pursuant to subparagraph 36 of this
7 Section;

8 45. Has, in connection with or during the course of a
9 formal hearing conducted under Section 2-118 of this Code:

10 (i) committed perjury; (ii) submitted fraudulent or
11 falsified documents; (iii) submitted documents that have
12 been materially altered; or (iv) submitted, as his or her
13 own, documents that were in fact prepared or composed for
14 another person;

15 46. Has committed a violation of subsection (j) of
16 Section 3-413 of this Code; or

17 47. Has committed a violation of Section 11-502.1 of
18 this Code.

19 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
20 and 27 of this subsection, license means any driver's license,
21 any traffic ticket issued when the person's driver's license is
22 deposited in lieu of bail, a suspension notice issued by the
23 Secretary of State, a duplicate or corrected driver's license,
24 a probationary driver's license or a temporary driver's
25 license.

26 (b) If any conviction forming the basis of a suspension or

1 revocation authorized under this Section is appealed, the
2 Secretary of State may rescind or withhold the entry of the
3 order of suspension or revocation, as the case may be, provided
4 that a certified copy of a stay order of a court is filed with
5 the Secretary of State. If the conviction is affirmed on
6 appeal, the date of the conviction shall relate back to the
7 time the original judgment of conviction was entered and the 6
8 month limitation prescribed shall not apply.

9 (c) 1. Upon suspending or revoking the driver's license or
10 permit of any person as authorized in this Section, the
11 Secretary of State shall immediately notify the person in
12 writing of the revocation or suspension. The notice to be
13 deposited in the United States mail, postage prepaid, to the
14 last known address of the person.

15 2. If the Secretary of State suspends the driver's license
16 of a person under subsection 2 of paragraph (a) of this
17 Section, a person's privilege to operate a vehicle as an
18 occupation shall not be suspended, provided an affidavit is
19 properly completed, the appropriate fee received, and a permit
20 issued prior to the effective date of the suspension, unless 5
21 offenses were committed, at least 2 of which occurred while
22 operating a commercial vehicle in connection with the driver's
23 regular occupation. All other driving privileges shall be
24 suspended by the Secretary of State. Any driver prior to
25 operating a vehicle for occupational purposes only must submit
26 the affidavit on forms to be provided by the Secretary of State

1 setting forth the facts of the person's occupation. The
2 affidavit shall also state the number of offenses committed
3 while operating a vehicle in connection with the driver's
4 regular occupation. The affidavit shall be accompanied by the
5 driver's license. Upon receipt of a properly completed
6 affidavit, the Secretary of State shall issue the driver a
7 permit to operate a vehicle in connection with the driver's
8 regular occupation only. Unless the permit is issued by the
9 Secretary of State prior to the date of suspension, the
10 privilege to drive any motor vehicle shall be suspended as set
11 forth in the notice that was mailed under this Section. If an
12 affidavit is received subsequent to the effective date of this
13 suspension, a permit may be issued for the remainder of the
14 suspension period.

15 The provisions of this subparagraph shall not apply to any
16 driver required to possess a CDL for the purpose of operating a
17 commercial motor vehicle.

18 Any person who falsely states any fact in the affidavit
19 required herein shall be guilty of perjury under Section 6-302
20 and upon conviction thereof shall have all driving privileges
21 revoked without further rights.

22 3. At the conclusion of a hearing under Section 2-118 of
23 this Code, the Secretary of State shall either rescind or
24 continue an order of revocation or shall substitute an order of
25 suspension; or, good cause appearing therefor, rescind,
26 continue, change, or extend the order of suspension. If the

1 Secretary of State does not rescind the order, the Secretary
2 may upon application, to relieve undue hardship (as defined by
3 the rules of the Secretary of State), issue a restricted
4 driving permit granting the privilege of driving a motor
5 vehicle between the petitioner's residence and petitioner's
6 place of employment or within the scope of the petitioner's
7 employment related duties, or to allow the petitioner to
8 transport himself or herself, or a family member of the
9 petitioner's household to a medical facility, to receive
10 necessary medical care, to allow the petitioner to transport
11 himself or herself to and from alcohol or drug remedial or
12 rehabilitative activity recommended by a licensed service
13 provider, or to allow the petitioner to transport himself or
14 herself or a family member of the petitioner's household to
15 classes, as a student, at an accredited educational
16 institution, or to allow the petitioner to transport children,
17 elderly persons, or disabled persons who do not hold driving
18 privileges and are living in the petitioner's household to and
19 from daycare. The petitioner must demonstrate that no
20 alternative means of transportation is reasonably available
21 and that the petitioner will not endanger the public safety or
22 welfare. Those multiple offenders identified in subdivision
23 (b)4 of Section 6-208 of this Code, however, shall not be
24 eligible for the issuance of a restricted driving permit.

25 (A) If a person's license or permit is revoked or
26 suspended due to 2 or more convictions of violating Section

1 11-501 of this Code or a similar provision of a local
2 ordinance or a similar out-of-state offense, or Section 9-3
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 where the use of alcohol or other drugs is recited as an
5 element of the offense, or a similar out-of-state offense,
6 or a combination of these offenses, arising out of separate
7 occurrences, that person, if issued a restricted driving
8 permit, may not operate a vehicle unless it has been
9 equipped with an ignition interlock device as defined in
10 Section 1-129.1.

11 (B) If a person's license or permit is revoked or
12 suspended 2 or more times due to any combination of:

13 (i) a single conviction of violating Section
14 11-501 of this Code or a similar provision of a local
15 ordinance or a similar out-of-state offense or Section
16 9-3 of the Criminal Code of 1961 or the Criminal Code
17 of 2012, where the use of alcohol or other drugs is
18 recited as an element of the offense, or a similar
19 out-of-state offense; or

20 (ii) a statutory summary suspension or revocation
21 under Section 11-501.1; or

22 (iii) a suspension under Section 6-203.1;

23 arising out of separate occurrences; that person, if issued
24 a restricted driving permit, may not operate a vehicle
25 unless it has been equipped with an ignition interlock
26 device as defined in Section 1-129.1.

1 (B-5) If a person's license or permit is revoked or
2 suspended due to a conviction for a violation of
3 subparagraph (C) or (F) of paragraph (1) of subsection (d)
4 of Section 11-501 of this Code, or a similar provision of a
5 local ordinance or similar out-of-state offense, that
6 person, if issued a restricted driving permit, may not
7 operate a vehicle unless it has been equipped with an
8 ignition interlock device as defined in Section 1-129.1.

9 (C) The person issued a permit conditioned upon the use
10 of an ignition interlock device must pay to the Secretary
11 of State DUI Administration Fund an amount not to exceed
12 \$30 per month. The Secretary shall establish by rule the
13 amount and the procedures, terms, and conditions relating
14 to these fees.

15 (D) If the restricted driving permit is issued for
16 employment purposes, then the prohibition against
17 operating a motor vehicle that is not equipped with an
18 ignition interlock device does not apply to the operation
19 of an occupational vehicle owned or leased by that person's
20 employer when used solely for employment purposes. For any
21 person who, within a 5-year period, is convicted of a
22 second or subsequent offense under Section 11-501 of this
23 Code, or a similar provision of a local ordinance or
24 similar out-of-state offense, this employment exemption
25 does not apply until a one year period has elapsed during
26 which that person either had his or her driving privileges

1 revoked or had a restricted driving permit which required
2 the use of an ignition interlock device on every motor
3 vehicle owned or operated by that person.

4 (E) In each case the Secretary may issue a restricted
5 driving permit for a period deemed appropriate, except that
6 all permits shall expire within one year from the date of
7 issuance. A restricted driving permit issued under this
8 Section shall be subject to cancellation, revocation, and
9 suspension by the Secretary of State in like manner and for
10 like cause as a driver's license issued under this Code may
11 be cancelled, revoked, or suspended; except that a
12 conviction upon one or more offenses against laws or
13 ordinances regulating the movement of traffic shall be
14 deemed sufficient cause for the revocation, suspension, or
15 cancellation of a restricted driving permit. The Secretary
16 of State may, as a condition to the issuance of a
17 restricted driving permit, require the applicant to
18 participate in a designated driver remedial or
19 rehabilitative program. The Secretary of State is
20 authorized to cancel a restricted driving permit if the
21 permit holder does not successfully complete the program.

22 (c-3) In the case of a suspension under paragraph 43 of
23 subsection (a), reports received by the Secretary of State
24 under this Section shall, except during the actual time the
25 suspension is in effect, be privileged information and for use
26 only by the courts, police officers, prosecuting authorities,

1 the driver licensing administrator of any other state, the
2 Secretary of State, or the parent or legal guardian of a driver
3 under the age of 18. However, beginning January 1, 2008, if the
4 person is a CDL holder, the suspension shall also be made
5 available to the driver licensing administrator of any other
6 state, the U.S. Department of Transportation, and the affected
7 driver or motor carrier or prospective motor carrier upon
8 request.

9 (c-4) In the case of a suspension under paragraph 43 of
10 subsection (a), the Secretary of State shall notify the person
11 by mail that his or her driving privileges and driver's license
12 will be suspended one month after the date of the mailing of
13 the notice.

14 (c-5) The Secretary of State may, as a condition of the
15 reissuance of a driver's license or permit to an applicant
16 whose driver's license or permit has been suspended before he
17 or she reached the age of 21 years pursuant to any of the
18 provisions of this Section, require the applicant to
19 participate in a driver remedial education course and be
20 retested under Section 6-109 of this Code.

21 (d) This Section is subject to the provisions of the
22 Drivers License Compact.

23 (e) The Secretary of State shall not issue a restricted
24 driving permit to a person under the age of 16 years whose
25 driving privileges have been suspended or revoked under any
26 provisions of this Code.

1 (f) In accordance with 49 C.F.R. 384, the Secretary of
2 State may not issue a restricted driving permit for the
3 operation of a commercial motor vehicle to a person holding a
4 CDL whose driving privileges have been suspended, revoked,
5 cancelled, or disqualified under any provisions of this Code.

6 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
7 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
8 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
9 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.
10 7-16-14; 09900SB0627enr.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law or on the date Senate Bill 627 of the 99th General
13 Assembly takes effect, whichever is later.